

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

TROY H. BRADFORD AND GLORIA  
BRADFORD, Individually and as Class  
Representatives on Behalf of All  
Similarly Situated Persons; and  
BOOKS ETC., by and through TROY  
AND GLORIA BRADFORD, Class  
Representatives on Behalf of All Those  
Similarly Situated;

PLAINTIFFS

VS.

NO. 4:05-cv-4075 - HFB

UNION PACIFIC RAILROAD COMPANY  
A Delaware Corporation, and J. L.  
GORDON, an Arkansas Citizen

DEFENDANTS

**UNOPPOSED MOTION TO SUBSTITUTE EXHIBIT "A"  
ATTACHED TO MOTION TO FILE SECOND  
AMENDED CLASS ACTION COMPLAINT**

Plaintiffs hereby move to replace Exhibit "A" to their Motion to File a Second Amended Class Action Complaint with Exhibit "A" attached to this Motion. The reason for this Motion is that the Stipulation to dismiss Defendant J. L. Gordon without prejudice has rendered the original proposed exhibit moot. The Court previously granted Plaintiffs' Motion to File a Second Amended Class Action Complaint. However, since that time the parties have agreed to the dismissal without prejudice of Defendant J.L. Gordon rendering the original exhibit moot. The updated version of the Second Amended Class Action Complaint (Exhibit "A" hereto) does not include J.L. Gordon as a Defendant but does include modified allegations to reflect new information obtained during informal discovery regarding the geographic scope of the proposed class. Because the court has already granted Plaintiffs' Motion to File Second Amended Class Action Complaint, the substitution of the proposed exhibit causes no prejudice to Defendant. Furthermore, upon information and belief, the Defendant has no objection to the substitution of the exhibits and the filing of the proposed Second Amended Class Action Complaint attached hereto. If the Court

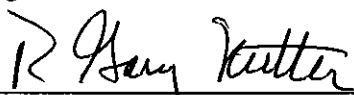
grants this Motion, Plaintiffs will file the Second Amended Class Action Complaint within five days.

Respectfully Submitted,

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By:   
**R. Gary Nutter**  
ABA#71058

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I, R. Gary Nutter, one of the attorneys for Plaintiffs, hereby certify that on the 14<sup>th</sup> day of February, 2006, I electronically filed the foregoing Unopposed Motion to Substitute Exhibit "A" Attached to Motion to File Second Amended Class Action Complaint with the Clerk of this Court using the CM/ECF system which will send notification of such filing to the following attorneys:

**Attorneys for Defendants:**

George L. McWilliams  
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R. Gary Nutter